

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 111

This is in response to a written request for an advisory opinion regarding whether an employee violated any standards of conduct by publishing the names of the City Council's [Council's] appointees to the Charter Review Commission when those names were considered during an executive session of the Council.

There is a threshold issue which would have to be determined by the Corporation Counsel before the Ethics Commission [Commission] can issue an advisory opinion in response to a request. That issue is whether or not the Council held an executive session as prescribed in the Revised Charter of the City and County of Honolulu 1973, [RCH] and Chapter 92, Part I, Hawaii Revised Statutes [HRS] relating to open meetings.

In the course of assembling the salient facts for the advisory opinion, the records of the Council and its committees between (date) and (date) do not show that a committee of the Council held an executive session.

In M 76-78, the Department of the Corporation Counsel opined that only committees of the Council may conduct Executive Sessions and only when two thirds of the members of a committee vote in favor of an executive session. In Chapter 92, HRS, executive sessions may be held by a commission or board. However, Section 72- 71 provides that if there is a conflict between the provisions of Section 92-71, HRS, and any other law relative to meetings, the stricter law will prevail. M 76-78 stated that between provisions of the RCH and Chapter 92, HRS, regarding executive sessions, the provisions of the RCH shall prevail because they are stricter.

The Commission believes the issue of whether or not an executive session was duly convened by a committee of the Council should be resolved.

The reason for the Corporation Counsel's determination is to determine whether or not the names of the Charter Review Commission, which were publicized by the employee, were confidential. If the Corporation Counsel determines that the meeting was legal, then the names were confidential. If so, the Commission can then issue an opinion in response to the question.

Dated: January 25, 1983

ETHICS COMMISSION
Mazeppa K. Costa, Chair

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